

REMARKS

In response to the Office Action mailed August 18, 2006, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 12-20 under 35 U.S.C. § 102(b) as being anticipated by Luciano *et al.* (US 2001/0041610). Applicants respectfully traverse this rejection. For the sake of brevity, the rejections of the independent claims 12, 16, and 17 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

Applicants respectfully submit that Luciano does not anticipate the claimed invention because Luciano does not disclose "a single, fixed award value assigned to all winning events when automatically playing the determined number of game plays."

In sharp contrast, Luciano teaches that the player may select a denomination for game play, and the pay tables for the game may be scaled according to a player's selected wager amount. (See Paragraphs 83 and 84). That is, a player wagering an amount less than the standard denomination of a game will only earn a pro-rated amount of a winning outcome. Stated differently, on a \$1.00 machine, a player wagering \$0.25 will only receive 25% of the winning outcome.

The claimed invention, however, assigns a fixed award value for all winning events when partial credits are wagered. Awards are not pro-rated when a "less than full wager amount" is played. In other words, if a player typically wagers \$1.00 for each game play and the player eventually has \$0.95 left, the gaming machine provides the player with an opportunity to play the remaining \$0.95 even though the player does not have enough money to normally play the game. For example, the player may wager the \$0.95 in the form of 95 games at \$0.01 per game and where the 95 games are played consecutively without player input. Any winning events that

occur during the play of the 95 games are awarded as a fixed award value (e.g., a \$1.00 award for any winning event). For example, a winning event such as a jackpot event (e.g., royal flush) or a basic winning event (e.g., Pair of Jacks) would both result in the same award amount (i.e., \$1.00 award for the royal flush and \$1.00 award for the Pair of Jacks).

Since Luciano fails to disclose all the claimed elements, Applicants respectfully submit that the Luciano reference does not anticipate claims 12-20 and Applicants respectfully request allowance of these claims.

CONCLUSION


Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 12-20 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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